

**DECLARATION AND POWER OF ATTORNEY**

*As a below-named inventor, I hereby declare that:*

*My residence, post office address, and citizenship are as stated below next to my name.*

*I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:*

PERIVASCULAR MESENCHYMAL PRECURSOR CELLS

*the specification of which:  
(check one)*

X is attached hereto. (§371 national stage of PCT/AU2004/000416, filed March 29, 2004)

\_\_\_\_\_ was filed \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on September 28, 2005  
(if applicable)

*I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.*

*I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.*

*I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:*

<i>Prior Foreign Application(s)</i>			<i>Priority Claimed</i>	
<u>Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Yes</u>	<u>No</u>
PCT/AU2004/000416	PCT	March 29, 2004	<u>X</u>	_____
2003901668	Australia	March 28, 2003	<u>X</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

I hereby claim the benefits under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
PCT/AU2004/000416	March 29, 2004	Pending as of September 28, 2005

And I hereby appoint

9 John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Paul Teng (Reg. No. 40,837); Alan J. Morrison (Reg. No. 37,399); Gary J. Gershtik (Reg. No. 39,992);

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to:

John P. White, Esq. Reg. No. 28,678  
Cooper & Dunham, LLP (Customer Number 23432)  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first joint inventor Stan Gronthos  
Inventor's signature \_\_\_\_\_ Date of signature \_\_\_\_\_  
Citizenship Australia  
Residence same as Postal Office Address  
Post Office Address 21 Light Place, Colonel Light Gardens, South Australia, 5041, Australia

Full name of  
additional joint inventor(if any) Andrew Zannettino  
Inventor's signature \_\_\_\_\_ Date of signature \_\_\_\_\_  
Citizenship Australia  
Residence same as Postal Office Address  
Post Office Address 1 Cypress Court, Highbury, South Australia, 5089, Australia

Full name of  
additional joint inventor(if any) Songtao Shi  
Inventor's signature \_\_\_\_\_ Date of signature \_\_\_\_\_  
Citizenship Australia  
Residence same as Postal Office Address  
Post Office Address 14732 Maine Cove Terrace, North Potomac, Maryland 20878, United States  
of America

**Box No. VIII (iv) DECLARATION: INVENTORSHIP** (only for the purposes of the designation of the United States of America)  
 The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VII, VIII (i) to (iv) (in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.

**Declaration of Inventorship** (Rules 4.17(iv) and 51.6a.1(a)(iv))  
 for the purposes of the designation of the United States of America:

I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/AU2004/000416 (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

Prior Applications: .....

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Stan Gronthos

Residence: 21 Light Place Colonel Light Gardens South Australia 5041  
 (city and either US state, if applicable, or country) Australia

Mailing Address: 21 Light Place Colonel Light Gardens SA 5041 Australia

Citizenship: Australian

Inventor's Signature: [Signature]  
 (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: 5/5/04  
 (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

Name: Andrew Zannettino

Residence: 1 Cypress Court Highbury South Australia 5089 Australia  
 (city and either US state, if applicable, or country)

Mailing Address: 1 Cypress Court Highbury SA 5089 Australia

Citizenship: Australian

Inventor's Signature: [Signature]  
 (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: 25/5/04  
 (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

☒ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

**Continuation of Box No. VIII (i) to (v) DECLARATION**

*If the space is insufficient in any of Boxes Nos. VIII (i) to (v) to furnish all the information, including in the case where more than two inventors are to be named in Box No. VIII (iv), in each case, write "Continuation of Box No. VIII ..." (indicate the item number of the Box) and furnish the information in the same manner as required for the purposes of the Box in which the space was insufficient. If additional space is needed in respect of two or more declarations, a separate continuation box must be used for each such declaration. If this Box is not used, this clause should not be included in the request.*

Continuation of Box No. VIII(iv)

Name: Songtao ShiResidence: 14732 Maine Cove Terrace, North Potomac,  
Maryland 20870, United States of America

MD

Mailing Address: 14732 Maine Cove Terrace, North Potomac,  
Maryland 20878, United States of AmericaCitizenship: USAInventor's Signature: Shi SongtaoDate: May 24, 2004